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**From:** CN=Tom Hagler/OU=R9/O=USEPA/C=US  
**Sent:** Wed 2/3/2010 6:19:29 PM  
**Subject:** Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the  
Bay Delta Conservation Plan as submitted by DWR.  
[BDCP Draft Purpose Statement 10-23-09.doc](#)

A couple of you have asked to add a discussion of the status of the BDCP purpose and need statement to this afternoon's discussion.

Attached below is the incoming draft P+N from DWR, along with the Corps regulatory first impression.

I don't have an ecology of the Corps' suggested changes.

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From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>  
To: "Clay, Lisa H SPK" <Lisa.H.Clay@usace.army.mil>, Carolyn Yale/R9/USEPA/US@EPA, Erin  
Foresman/R9/USEPA/US@EPA  
Date: 11/20/2009 08:23 AM  
Subject: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta  
Conservation Plan as submitted by DWR.

<<BDCP\_Draft\_Purpose\_Statement\_10-23-09.doc>>

Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation  
Plan as submitted by DWR.

I disagree with their Purposes. I think they are attempting to so narrowly define their project as to  
preclude looking at any alternatives other than a new canal.

I believe the Basic Purposes of the BDCP is:

- 1) Surface water supply
- 2) Establish fishery habitat

I believe the Overall Purposes of the BDCP is:

- 1) Provide a surface water supply to the South of Delta Water Users which are part of the BDCP
- 2) Establish Bay Delta fishery habitat to offset the impacts of the historic operations of the CVP and SWP

What we don't have is a description of who will get the water and the Needs of the project; How Much  
Water (and when and at what quality) and How Much Fishery Habitat (and what specifically is fishery  
habitat in this project).

What do you all think?

If you're all in agreement with what I have here then the next step would be for us all to meet with DWR  
and Reclamation and NMFS and USFWS (the state and federal Lead Agencies) at a single meeting and  
inform them of our determination so they all hear it at once and we all are available to answer any  
questions they may have.

And obviously, if we're not in agreement then we'll work this out among ourselves before we meet with  
DWR and Reclamation and NMFS and USFWS

Carolyn and Erin, If there are others at EPA who should weigh in on this please get their input on this.  
Thanks, Mike